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Arthur Elder Publisher

Per

Filed December 7, 1964

LEGAL

NO. 20,803 EQUITY
in the Circuit Court for
Frederick County,
Maryland

WILLIAM C. WOERNER, and
EVA MARTHA WOERNER,
his wife, 105 West South Street,
Frederick, Maryland

KENNETH M. WOERNER, and
ETHEL M. WOERNER, his
wife, Howard Chapel Drive,
Damascus, Maryland

and
LORRAINE C. ZIMMERMAN,
widow, 502 East Patrick Street,
Frederick, Maryland

vs.

MARGARET WOERNER CAR-
MACK, and EMORY L. CAR-
MACK, her husband, 222 East
Church Street, Frederick, Mary-
land

ELOISE WOERNER HAINES,
widow, 101 West 14th Street,
Frederick, Maryland

MARY ALICE WOERNER HAR-
LEY, and B. THEODORE HAR-
LEY, her husband, 904 Pin Oak
Road, Hagerstown, Maryland

MILDRED V. KIRBY, and ROB-
ERT D. KIRBY, her husband,
111 Locust Street, Frederick,
Maryland

CALVIN C. WILHIDE, and VIR-
GINIA M. WILHIDE, his wife,
6206 Fairdel Avenue, Baltimore
6, Maryland

PAULINE R. PHELPS, widow,
Route 6, Frederick, Maryland

KENNETH WILHIDE, and NEL-
LIE WILHIDE, his wife, Route
1, Shippensburg, Pennsylvania

KATHLEEN MICKEY, and RICH-
ARD MICKEY, her husband,
Box 113, Marion, Pennsylvania

IONA SHAFFER, and WELTY
SHAFFER, her husband, 1911
Lincoln Way East, Chambers-
burg, Pennsylvania

BETTY HERR, and KENNETH
HERR, her husband, 547 Cum-
berland Avenue, Chambersburg,
Pennsylvania

JOHN M. SHUFF, and CURTISS
W. SHUFF, Executors of the
Last Will and Testament of
Leonard A. Shuff, deceased,
Frederick County, Maryland.

ORDER OF PUBLICATION

The Bill of Complaint is a suit
for the partition of real estate.

The Bill recites that your Com-
plainants and the Respondents in
these proceedings are adults, sui
juris, and that the following par-
ties to this proceeding are resi-
dents of the State of Maryland:
Margaret Woerner Carmack, and
Emory L. Carmack, her husband,
222 East Church Street, Freder-
ick, Maryland; Eloise Woerner
Haines, widow, 101 West 14th
Street, Frederick, Maryland; Mary
Alice Woerner Harley, and B.
Theodore Harley, her husband,
904 Pin Oak Road, Hagerstown,
Maryland; Mildred V. Kirby, and
Robert D. Kirby, her husband, 111
Locust Street, Frederick, Mary-
land; Calvin C. Wilhide, and Vir-
ginia M. Wilhide, his wife, 6206
Fairdel Avenue, Baltimore, Mary-
land, Pauline R. Phelps, widow,
Route 6, Frederick, Maryland;

and John M. Shuff, and Curtis W.
Shuff, Executors of the Last Will
and Testament of Leonard A.
Shuff, deceased, Frederick County,
Maryland; that the following par-
ties to this proceeding are non-
residents of the State of Mary-
land, residing at the addresses
indicated: Kenneth Wilhide, and
Nellie Wilhide, his wife, Route 1,
Shippensburg, Pennsylvania;
Kathleen Mickey, and Richard
Mickey, her husband, Box 113,
Marion, Pennsylvania; Iona Shaff-
er, and Welty Shaffer, her hus-
band, 1911 Lincoln Way East,
Chambersburg, Pennsylvania; and
Betty Herr, and Kenneth Herr,
her husband, 547 Cumberland
Avenue, Chambersburg, Pennsyl-
vania; that all of the parties to
this proceeding, with the excep-
tion of John M. Shuff, and Curtis
W. Shuff, Executors of the Last
Will and Testament of Leonard
A. Shuff, deceased, are first cous-
ins, and the closest living heirs
at law and next of kin of Mary
Lorraine Shuff, deceased, who de-
parted from this life intestate on
July 23, 1963, seized and possess-
ed of all that piece or parcel of
land, situate, lying and being on
the south side of East Second
Street, in Frederick City, Fred-
erick County, State of Maryland,
known as 22 East Second Street,
in said City, County, and State,
fronting nineteen (19) feet, more
or less, on East Second Street,
and extending back for a depth
of eighty-seven (87) feet, more
or less, to Market Space, said
piece or parcel of land being duly
described in a deed recorded in
Liber 401, at folio 32, one of the
Land Records of Frederick Coun-
ty, Maryland, a certified copy of
said deed being filed in these pro-
ceedings, and marked Complain-
ants' Exhibit "A", and prayed to
be taken as a part hereof; that
Leonard A. Shuff, deceased, sur-
viving husband of Mary Lorraine
Shuff, departed from this life tes-
tate on August 1, 1963, and by
the terms of the Last Will and
Testament of the said Leonard A.
Shuff, deceased, he did devise and
bequeath all of his estate, real,
personal, and mixed unto his wife,
Mary Lorraine Shuff, deceased,
a certified copy of said Will be-
ing filed in these proceedings, and
marked Complainants' Exhibit
"B", and prayed to be taken as
a part hereof; that upon the death
of the said Mary Lorraine Shuff,
deceased, and Leonard A. Shuff,
deceased, as foresaid, all of the
right, title, and interest in and
to the aforementioned real estate,
with the improvements thereon,
did, by operation of law, vest
in the closest living heirs at law
and next of kin of the said Mary
Lorraine Shuff, deceased, at the
time of her demise, all being first
cousins, namely, William C. Woer-
ner, and Eva Martha Woerner,
his wife; Kenneth M. Woerner,
and Ethel M. Woerner, his wife;
Lorraine C. Zimmerman, widow;

Margaret Woerner Carmack, and
Emory L. Carmack, her husband;
Eloise Woerner Haines, widow;
Mary Alice Woerner Harley, and
B. Theodore Harley, her husband;
Mildred V. Kirby, and Robert D.
Kirby, her husband; Calvin C.
Wilhide, and Virginia M. Wilhide,
his wife; Pauline R. Phelps, wid-
ow; Kenneth Wilhide, and Nellie
Wilhide, his wife; Kathleen Mick-
ley, and Richard Mickey, her
husband; Iona Shaffer, and Welty
Shaffer, her husband; Betty Herr,
and Kenneth Herr, her husband;
and that your Complainants re-
spectfully represent unto your
Honorable Court that the land
and improvements thereon here-
in described is not susceptible to
division in kind between the par-
ties entitled thereto according to
their respective interests without
great loss and damage, and that
it would be to the best interest
and advantage to the parties to
this cause that the land be sold
under an Order of your Honorable
Court, and after the payment of
the usual Court costs and ex-
penses, the proceeds therefrom be
distributed between the parties to
this cause according to their re-
spective interests.

The Bill then prays that your
Honorable Court, upon the usual
examination in these premises,
will appoint a Trustee or Trustees
for the sale of the real estate,
with the improvements thereon,
mentioned herein, and to divide
the proceeds of said sale, under
the direction of your Honorable
Court, to the parties entitled
thereto according to their re-
spective interests; and for such
other and further relief as the
nature of this case may require.

ORDER OF COURT

It is thereupon this 5th day of
November, 1964, by the Circuit
Court for Frederick County,
Maryland, sitting as a Court of
Equity, ORDERED that the Com-
plainants give notice to the non-
resident Defendants of the ob-
ject and substance of this Bill,
by causing a copy of this order
to be inserted in some newspaper
published in the County of Fred-
erick, once each week for four
successive weeks prior to the
12th day of December, 1964, com-
manding them to be and appear
in this Court, in person, or by
solicitor, on or before the 12th
day of January, 1965, and show
cause, if any they have, why a
Decree should not be passed as
prayed.

ELLIS C. WACHTER

Clerk of the Circuit Court
for Frederick County, Mary-
land

EDWIN F. NIKIRK
Solicitor for Complainants
105 West Second Street
Frederick, Maryland
Monument 2-1781

Filed November 5, 1964

TRUE COPY TEST

Ellis C. Wachter, Clerk
11/13/64